

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL GULVIN,

Plaintiff,

v.

ORDER  
12-CV-564A

MERCY FLIGHT,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 11, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that the defendant's motion to dismiss for failure to prosecute (Dkt. 38) be granted and that the action be dismissed with prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the defendant's motion to dismiss is granted, and this action is dismissed with prejudice.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

\_\_\_\_\_*Richard J. Arcara*\_\_\_\_\_  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 31, 2014